

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ELIZABETH BARTLETT, et al., )  
Plaintiffs )  
 )  
 )  
 )  
v. ) Civil Action No. 03-12349-PBS  
 )  
 )  
 )  
DANIEL O'CONNELL'S SONS, INC., )  
Defendant )

ORDER WITH RESPECT TO MEDIATION

July 11, 2005

NEIMAN, U.S.M.J.

The parties are hereby notified that the court has scheduled a mediation conference at 10:00 a.m. on August 26, 2005, in Courtroom Three, United States District Court, 1550 Main Street, Springfield, Massachusetts. Counsel are directed to be present with their respective clients or representatives thereof with full and complete settlement authority. In addition, by no later than August 22, 2005, each party shall provide the court under a seal a confidential settlement memorandum of no more than four pages addressing the following points:

1. A brief analysis of the key issues involved in the litigation, including a specific breakdown of the claimed damages.
2. A description of the strongest and weakest legal and factual points in the party's case.
3. A description of the strongest and weakest legal and factual points in the opponent's case.

4. The status of settlement negotiations, including the last settlement proposal made by each side. In this regard, counsel are directed to confer with their clients in advance of the mediation conference to explore the party's settlement position, and the parties are encouraged to exchange settlement proposals prior to the conference.
5. The settlement proposal that the party believes would be fair.
6. The settlement proposal that the party would be willing to make in order to conclude the matter at this time.

Each memorandum shall be sealed, held in confidence by the court and returned to the party at the conclusion of mediation. The memoranda shall be submitted to the Clerk's Office of the United States District Court, Fifth Floor, 1550 Main Street, in Springfield, Massachusetts, 01103.

IT IS SO ORDERED.

DATED: July 11, 2005

/s/ Kenneth P. Neiman  
KENNETH P. NEIMAN  
U.S. Magistrate Judge